

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

No. 14CR 10067 RWZ

FATHALLA MASHALI,
Defendant.

**THIRD AFFIDAVIT OF ATTORNEY JOSEPH G. KELLER JR. ON COMPLIANCE
WITH ORDER OF POST-RELEASE FILINGS AND INFORMATION ON
FORCLOSURE AUCTIONS OF TWO DOVER PROPERTIES**

I, Joseph G. Keller Jr., being duly sworn, depose and state:

1. I am Of Counsel at J.A. Denner and Associates, P.C.
2. I have been assisting Attorney Jeffrey Denner in criminal and civil matters concerning Dr. Fathalla Mashali since November, 2013.
3. On June 9, 2014, I filed with the Court an affidavit affirming compliance with Chief Magistrate Judge Sorokin's Order of Post-Release Filings. This confirmed that liens were placed at the Registry of Deeds for all Massachusetts properties and that all investments companies had been notified to place restraints on Mashali investments.
4. On June 10, 2014, I received a confirmatory letter that the E*Trade account of Dr. Noha Mashali had been restricted until further notice from the Court. See Exhibit 1.
5. On June 13, 2014, I received a letter from Charles Schwab indicating that a previous restraint, unknown to undersigned Counsel, had been placed on Dr. Mashali's investment account. This attachment was issued by the Superior Court in 2007 in favor Julie

Gemma, et al. This suit attached several of Dr. Mashali's properties. These attachments were purchased by The Elkadry Trust. Anan Elkadry, as Trustee of The Elkadry Trust, has prepared a letter assigning their interest in the Charles Schwab account to the Court.

See Exhibit 2.

6. On June 17, 2014, I received a letter from Mutual of America indicating that a lock had been placed on Dr. Mashali's retirement account and a notification placed on the life insurance policy that there could be no distributions without Court approval. See Exhibit 3.
7. On June 18, 2014 I received a letter from Union Bank in reference to the children's 529 College Counts accounts indicating that no actions would be permitted on these accounts without an order from the Court. See Exhibit 4.
8. On June 6, 2014, a letter was sent to TD Ameritrade in reference to the Mashalis retirement accounts. On June 17, 2014, I telephoned to follow-up on this letter. The representative indicated that the letter had been received and noted on the account but could not put me in touch with the compliance division. I asked for written confirmation of compliance with the Court Order and was told a second request to the Compliance Division would be made. As of the time of filing this document, no response has been received. I have attached a copy of the letter originally mailed by Federal Express, the receipt from this transaction, and confirmation of delivery. On June 26, 2014, I sent a second request by First Class U.S. mail. See Exhibit 5.
9. On June 19, 2014, attorney of the Bank of Canton, filed a notice to Court (Document 72) of the scheduled auctions of 120 Centre St. and 160 Dedham St., Dover, MA. The first property is scheduled for auction on July 18, 2014. This property had no value to the

proposed bond package but was pledged because it was part of a cross-collateralized loan with the second property, which had a potential value of up to \$500,000. for the Bond Proposal. The Mashalis have received an email from the Bank's vice president, William Treddin, indicating a willingness to discuss a resolution to the second property other than a foreclosure auction. This email is attached as Exhibit 6.

10. The Bond Proposal indicated that 120 Centre St. was in foreclosure. See Document 62, Exhibit 1, footnote 4.
11. The Bond Proposal indicated that the amount of the Mashalis' interest in 160 Dedham St. was contingent on the selling price of the 120 Centre St. and the interest of mortgage holders in higher priority than the Itani mortgage held by the Mashali Company, Dover Dedham LLC. The value of this mortgage in third priority is still currently unknown, but the maximum value is \$500,000. See Document 62, Exhibit 1, footnotes 2-3.

Dated: June 26, 2014

/s/ Joseph G Keller Jr.
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Certificate of Service

I, Joseph G. Keller Jr. , hereby certify that on this the 26th day of June, I caused a true copy of the foregoing *Third Affidavit* to be served upon all necessary parties by virtue of electronically filing the same via the CM/ECF system.

/s/ Joseph G. Keller Jr.
Joseph G Keller Jr.